

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

One 2016 Lexus RX, VIN
2T2BZMCA4GC038210

Defendant in rem.

NO. 3:19-CV-

VERIFIED COMPLAINT FOR FORFEITURE

Plaintiff, the United States of America files this verified complaint in rem against the defendant property, and states:

JURISDICTION AND VENUE

1. This court has subject matter jurisdiction of this cause of action in rem pursuant to 28 U.S.C. §§ 1345 and 1355(a).
2. The court has *in rem* jurisdiction of this cause of action pursuant to 28 U.S.C. §§ 1355(b).
3. Venue is proper under 28 U.S.C. § 1355(b)(1) and 28 U.S.C. § 1395(b).
4. The statutory basis for this suit is 21 U.S.C. § 881. Also applicable are 28 U.S.C. §§ 2461 and 2465, 18 U.S.C. § 983, and Rule G, Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions (Supplemental Rules).

THE DEFENDANT PROPERTY AND ITS LOCATION

5. The defendant property is comprised of one 2016 Lexus RX sport utility vehicle, VIN No. 2T2BZMCA4GC038210, seized on or about June 20, 2019, by agents and officers of the Drug Enforcement Administration (DEA).

6. The defendant property is currently in the custody and management of the United States Marshal's Service in the Northern District of Texas.

POTENTIAL CLAIMANTS TO THE DEFENDANT PROPERTY

7. The following individual(s) and entities are known potential claimants to the Defendant property:

Westlake Financial Services
c/o Juan Cruz
PO Box 997592
Sacramento, CA 95899

Griselda Munoz-Ornelas
3829 Montgomery Boulevard Northeast, Apt 303
Albuquerque, NM 87109-1001

Alejandra Ramirez-Jurado
3829 Montgomery Boulevard Northeast, Apt 303
Albuquerque, NM 87109-1001

BASIS FOR FORFEITURE

8. The defendant property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(4), which states that “[a]ll conveyances, including aircraft, vehicles, or vessels, which are used, or are intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of [a controlled

substance]” are subject to forfeiture to the United States, and no property right exists in such properties.

9. The Defendant Vehicle is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(4) because there is probable cause to believe that this vehicle was used, or intended to be used, to transport, or facilitate the transportation, sale, receipt, possession or concealment of controlled substances, specifically cocaine.

PROBABLE CAUSE FOR FORFEITURE

10. On June 14, 2019, Texas Department of Public Safety (TXDPS) Trooper Richard Pacheco conducted a traffic stop on a black Lexus RX heading eastbound on Interstate 40 for failure to signal a lane change.

11. Jesus Reyes Gonzalez-Solis was the sole occupant of the vehicle.

12. During the traffic stop, Trooper Pacheco noticed indicators of criminal activity based on the totality of the circumstances, including Gonzalez-Solis providing inconsistent statements pertaining to his destination, how he obtained the defendant property, his inability to identify the address of the person he purportedly was traveling to visit, his possession of multiple cell phones, and his apparent nervousness and eagerness to end any discussion with Trooper Pacheco.

13. During the traffic stop, Gonzalez-Solis stated that the vehicle belonged to a friend, who had driven the vehicle from Kansas to Albuquerque, New Mexico in order to loan the vehicle to Gonzalez-Solis.

14. Trooper Pacheco asked for consent to search the vehicle which Gonzalez-Solis refused.

15. Trooper Pacheco then requested assistance from a nearby K-9 Unit.

16. Oldham County Deputy Jeremy Ortegon arrived shortly thereafter with his K-9 Unit Max to conduct a free air search on the outside of the vehicle.

17. K-9 Max positively alerted to the bumper area of the vehicle.

18. Upon the subsequent probable cause search of the vehicle, Trooper Pacheco found electrical wires running to a trap door located in the rocker panel of the passenger back door.

19. Trooper Pacheco also found a similar trap door in the driver side back door rocker panel which was open.

20. Inside this driver-side back door panel were several bundles of a white powdery substance wrapped in black electrical tape.

21. After finding the bundles, Gonzalez-Solis was placed under arrest and Trooper Pacheco transported the vehicle to the Oldham County Sheriff's Office in Vega, Texas.

22. DEA Task Force Officer Barron, TFO Blackerby, CID Special Agent Ecker, and Trooper Pacheco continued with the search of the vehicle.

23. A total of six (6) bundles were located in the defendant property, three in each hidden compartment, weighing a total of approximately 6.9 kilograms.

24. A test kit was utilized on one of the bundles, which contained a white powdery substance that tested positive for cocaine.

25. All six bundles were submitted to the DEA South Central Crime Lab in Dallas for further testing, and each tested positive for cocaine.

26. On June 20, 2019, TFO Blackerby obtained a search and seizure warrant for the 2016 Lexus, and it was seized by the DEA pursuant to the warrant on that date.

RELIEF SOUGHT

Therefore, the United States requests the following:

A. That the Clerk of Court issue a warrant for the arrest of the defendant property, pursuant to Rule G(3)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions;

B. That the United States Marshals Service arrest the defendant property, pursuant to the warrant, as provided by Rule G(3)(c) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions;

C. That the United States publish notice of the complaint for forfeiture on the website www.forfeiture.gov for at least 30 consecutive days, in accordance with Rule G(4)(a)(iv)(c) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions;

D. That the United States Marshals Service serve notice, pursuant to Rule G(4)(b) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, on any person reasonably appearing to be a known potential claimant, advising the person of the date of notice; of the deadline for filing a claim; that an answer or motion under Rule 12(b) must be filed no later than 21 days after the filing of the

claim; and of the name of the Assistant United States Attorney to be served with the claim and answer;

E. That the court, after all proceedings are had on this complaint for forfeiture, declare the defendant property forfeited to the United States according to law;

F. That the court appropriately tax all costs and expenses incurred by the United States in obtaining the forfeiture of the defendant property against any persons or entities who filed a verified claim and answer in this case; and

G. That the court grant the United States any further relief, at law or in equity, to which it may show itself justly entitled.

Respectfully Submitted,

ERIN NEALY COX
UNITED STATES ATTORNEY

/s/ Gregory S. Martin

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ATTORNEY FOR PLAINTIFF

VERIFICATION OF COMPLAINT

I, Kerry Blackerby, declare under penalty of perjury that the following is true and correct to the best of my knowledge.

I am a Task Force Officer for the Drug Enforcement Administration. I have been assigned to assist in the forfeiture of the defendant property. I have read the foregoing Complaint for Forfeiture filed in support and know its contents. The information in the Complaint has been furnished from official government sources and my own firsthand knowledge and, based on information and belief, the allegations contained in both are true and correct.


Kerry Blackerby, Task Force Officer
Drug Enforcement Administration

Sworn and Subscribed before me on this the 12 day of December, 2019.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Verified Complaint for Forfeiture In Rem and Verification were mailed via certified mail, return receipt requested to:

Westlake Financial Services
c/o Juan Cruz
PO Box 997592
Sacramento, CA 95899

Griselda Munoz-Ornelas
3829 Montgomery Boulevard Northeast, Apt 303
Albuquerque, NM 87109-1001

Alejandra Ramirez-Jurado
3829 Montgomery Boulevard Northeast, Apt 303
Albuquerque, NM 87109-1001

Ahmad Assed, Esq.
Attorney for: Griselda Munoz-Ornelas and Alejandra Ramirez-Jurado
818 5th Street, NW
Albuquerque, NM 87102

on this 12th day of December, 2019.

/s/ Gregory S. Martin
GREGORY S. MARTIN
Assistant United States Attorney